

## MEMORANDUM OF NON-DRILLING OIL AND GAS LEASE

West Virginia

The undersigned Robert W. Simmons and Melinda R. Simmons, his wifeof RR3 BOX 123AA Moundsville, West Virginia 26041 as Lessor

and **TriEnergy Holdings, LLC, P.O. Box 89, Sewickley, PA 15143**, as Lessee, entered into an Oil and Gas Lease as of the 26 day of December, 2010. Said lease covers all that certain tract of land situate in the District of Cameron, in Marshall County, State of West Virginia, bounded and described generally as follows:

On the North by: n/f:

On the East by: n/f:

On the South by: n/f:

On the West by: n/f:

Tax Parcel No: 3-1-7.1

Containing 1.942 acres, more or less, being the same land conveyed by \_\_\_\_\_ and recorded in the records of said county in Book 0552, Page 0401.

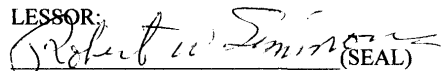
Under the terms of the aforesaid lease, the said property was leased by Lessor to Lessee for a term of Five (5) years from the date thereof and so long thereafter as oil or gas are produced from said land in paying quantities or the lease is otherwise maintained pursuant to the provisions thereof.

Under the terms of said lease, the Lessee has a first option to renew the lease for a further like term, which option must be exercised within sixty (60) days of the expiration of the initial primary term of said lease.

Dated: December 26<sup>th</sup>, 2010.

WITNESS:

LESSOR:

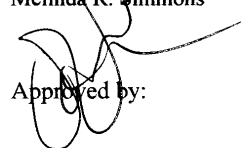
 (SEAL)

Robert W. Simmons

 (SEAL)

Melinda R. Simmons

Approved by:

  
 Joseph E. Bojalad, President

TriEnergy Holdings, LLC

State of West Virginia )  
 )  
 County of Marshall )

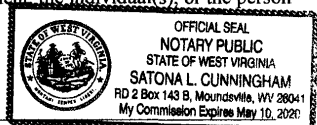
ss:

On the 26<sup>th</sup> day of December in the year 2010, before me, the undersigned, a Notary Public in and for said state, personally appeared Robert W. Simmons and Melinda R. Simmons, his wife

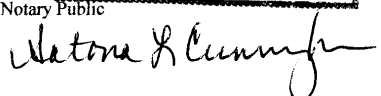
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

May 10, 2020

Notary Public



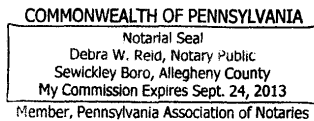
CORPORATIONState/Commonwealth of: PENNSYLVANIACounty of: Allegheny SS:

Before me a Notary Public in and for said county and state personally appeared: Joseph E. Bojalad, the President of TriEnergy Holdings, LLC, the above named corporation, who acknowledged to me that they did execute the foregoing instrument for and on behalf of said corporation, pursuant to authority so to do of said corporation and that the same is the free act and deed of said corporation and of themselves as such officers, for the uses and purposes therein set forth.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at Sewickley, PA this 10th day of March, 2011.

My Commission expires: 9/24/2013

Debra W. Reid  
Notary Public



Jan Pest  
MARSHALL County 11:12:04 AM  
Instrument No 1301669  
Date Recorded 03/17/2011  
Document Type O&G  
Pages Recorded 2  
Book-Page 726-574  
Recording Fee \$5.00  
Additional \$6.00

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 26th day of December, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 17th day of March, 2011 at 11:12 o'clock A.M.

TESTE: Jan Pest Clerk.